

No Action Alternative

Comments

E-0043/012, EM-0217/012, EM-0218/012, L-0056/012, LM-0017/012, LM-0018/012

The HSW EIS does not contain a true, quantified "no action" alternative, which would be a scenario of zero importation of offsite-generated LLW and MLLW. Such an omission violates NEPA and makes it impossible to gauge the true impacts of the alternatives. Though the HSW EIS does offer a Hanford only waste scenario, it is only as a point of qualitative comparison - and is not an actual, quantitatively analyzed alternative.

E-0050/010

The "no action" alternative provided in the EIS stops import of offsite waste, but it also halts all clean-up work at Hanford. A legitimate "no action" alternative would prohibit importation of offsite waste, yet continue the ongoing efforts to clean up existing waste.

F-0024/005

The stop work alternative is unrealistic and non-compliant!

L-0014/003, L-0022/003

The "no action" alternative is clearly unacceptable for a number of public health and safety reasons. Information is not provided to clearly show the environmental and public health safety impacts of this alternative.

L-0034/002

All alternatives of the revised Solid Waste Environmental Impact Statement (hereafter referred to as the SWEIS) include import of TRU waste, in addition to 12.7 million cubic feet of Low Level and Mixed Low Level Waste (LLW and MLLW) to Hanford, with the exception of the "stop work" alternative, which stops all cleanup work at Hanford. This is not a valid alternative, because USDOE is obligated under existing laws to proceed with cleanup.

L-0044/045

3.1.1, p. 3.5 DOE has developed the no action alternative assuming the "operation of existing facilities without conducting additional activities necessary to meet regulatory obligations." This is not an accurate representation of the no action alternative, or the evaluations made for this alternative. Ecology will not allow non-compliant operation of the facilities now, or in the future.

L-0044/132

The no action alternative is based on the premise of "operation of existing facilities without conducting additional activities necessary to meet regulatory obligations." This is not an accurate representation of the no-action alternative or the evaluations made for this alternative. The no-action alternative as explained in the US Environmental Protection Agency's "Council on Environmental Quality, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," Question 3, in the USDOE's own NEPA Process Reference Manual Rev. 8 states that "the 'no-action' alternative may be thought of in terms of continuing with the present course of action until that action is changed". That description of no action does not allow the USDOE to abrogate its responsibilities to comply with the provisions of the Hanford Federal Facility Agreement and Consent, nor does it allow the USDOE relief from compliance with State and Federal Regulations. The LLBG permit application is under discussion now; to infer that those negotiations will cease is not accurate. Ecology requests that the USDOE modify the no-action alternative to acknowledge existing regulatory obligations.

L-0044/135

Per the SEPA Handbook (Ecology Publication No. 98-114, Sec. 3.3.2.1), the no-action alternative is usually "what would be most likely to happen if the proposal did not occur." The no-action alternative described in the RHSW EIS Sec. 3.1.1 would include "continued operation of existing facilities without conducting additional activities necessary to meet regulatory obligations." This is unlikely to happen because the Hanford Federal Facility Agreement and Consent Order (HFFACO), the Dangerous Waste Portion of the Hanford Site

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Resource Conservation and Recovery Act (RCRA) Permit, the Washington Dangerous Waste Regulations (WAC 173-303), and numerous other Federal and State regulations govern waste management operations. Ecology does not therefore regard the No-Action Alternative to be that in fact.

The No-Action Alternative continues by saying that MLLW would be stored rather than treated because of limited commercial capacity to treat the wastes. The no-action alternative is not truly such because the USDOE states that the Central Waste Complex (CWC) must be expanded to allow larger volumes of waste to be stored. Expansion of the CWC can be expected to have potential environmental impacts if the inventory of dangerous wastes and radioactive wastes increases. Ecology will consider expansion of the CWC Facility as part of a dangerous waste permit modification and will evaluate environmental impacts of expansion under its authority in WAC 173-802.

TSE-0026/004

The stop alternative is not a real alternative.

Response

A No Action Alternative under NEPA does not necessarily mean no action at all (see CEQ Forty Most Asked Questions, Question 3, No Action Alternative [46 FR 18026]). Pursuant to the HSW EIS Notice of Intent (65 FR 10061), under the No Action Alternative, "DOE would continue ongoing waste management activities and implement those actions for which NEPA reviews have been completed and decisions made [the baseline for analytical purposes would be the time of issuance of the first draft HSW EIS]. The No Action Alternative will provide a baseline for comparison of the environmental impacts of the proposed action and its alternatives." See Volume I Section 3.1.

The HSW EIS No Action Alternative provides a baseline for comparison of the impacts from the proposed action and alternatives and is consistent with decisions reached under previous NEPA reviews. No Action thus reflects the current status quo and continued operation of existing facilities without conducting additional activities necessary to meet regulatory obligations. The HSW EIS No Action Alternative would only partially meet DOE's obligations under the Hanford TPA and applicable regulatory requirements. As such it represents an analytical construct to meet NEPA requirements rather than an expression of DOE's intended future actions. Because most activities considered in the HSW EIS are ongoing operations, or have been the subject of previous decisions made under other NEPA reviews, the No Action Alternative consists of implementing the previous NEPA decisions or of continuing current solid waste management practices, consistent with CEQ guidance. The No Action Alternative was evaluated using the Hanford Only waste volume and the Lower Bound waste volume. The No Action Alternative for disposal of ILAW consists of the preferred alternative selected previously in the Record of Decision (ROD) for the Tank Waste Remediation System (TWRS) EIS (62 FR 8693). The ILAW volume reflects a different waste form (cullet in canisters) than that assumed for Alternative Groups A through E (monolithic vitrified waste in canisters). See Volume I Section 3.1.

The Hanford Only waste volume has been evaluated in all action alternatives and the No Action Alternative to provide a better comparison with the impacts of adding offsite waste. The incremental impacts of offsite waste are the differences between the Lower and Upper Bound Volumes and the Hanford Only impacts for a given alternative.

DOE agrees that the stop work scenario (which is not the same thing as the No Action Alternative) is unrealistic and it has been dismissed from consideration. See Volume I Sections 3.1 and 3.2.

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A real no action alternative would assume that without the site specific HSW EIS, the WM-PEIS could not be implemented and thus 70,000 truckloads of new waste could not be imported into Hanford. The real impact of DOE's plan to import more waste to Hanford can be shown only by quantitatively and comprehensively comparing a) no importation of waste (the no action alternative) with b) importation and disposition of new waste.

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Hanford is part of a nationwide cleanup effort of over 100 DOE sites and cooperates with these sites in the cleanup. As part of that effort, Hanford would receive some LLW, MLLW, and would temporarily store some TRU waste from other DOE sites, as well as send HLW, spent nuclear fuel, and TRU waste to other DOE sites. The HSW EIS evaluates a range of waste receipts at Hanford to encompass the uncertainties regarding quantities of waste that would ultimately be managed at the site. The waste volumes evaluated include a Lower Bound waste volume consisting mainly of Hanford waste, and an Upper Bound volume that includes additional quantities of offsite waste that Hanford might receive consistent with WM PEIS decisions. The HSW EIS includes an evaluation of Hanford Only waste. The Hanford waste evaluation provides a basis with which to determine the impacts of varying quantities of offsite waste at Hanford. Evaluations in the WM PEIS, the HSW EIS, and related NEPA documents indicate that additional wastes could be handled at Hanford without complicating future remediations, or diverting resources or disposal capacity from other Hanford cleanup activities. Information on the potential impacts of transporting waste has been revised and is presented in Volume I Section 5.8 and Volume II Appendix H.

The HSW EIS estimates that up to 33,900 shipments of LLW, MLLW, and TRU waste could be shipped to Hanford if the upper bound waste volumes are realized. The actual number of shipments is expected to be less than this.